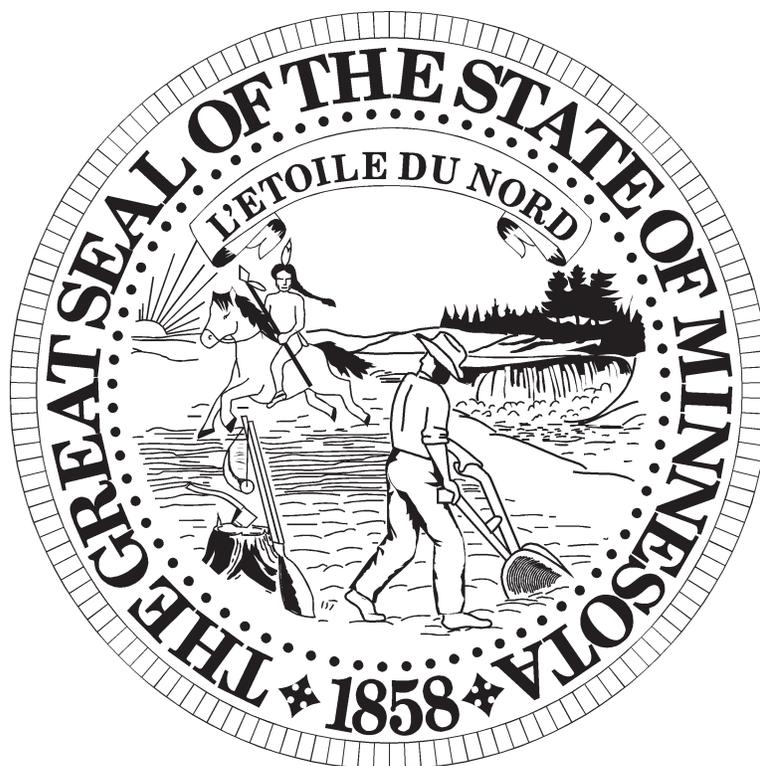


State of Minnesota

State Register



Rules and Official Notices Edition

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by the Department of Administration – Communications Media Division

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State Register

Judicial Notice Shall Be Taken of Material Published in the State Register

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$14.40 per tenth of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

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Printing Schedule and Submission Deadlines

Vol. 29	Deadline for: Emergency Rules, Executive and	Deadline for Both	
Issue	Commissioner's Orders, Revenue and Official Notices,	Adopted and Proposed	
Number	State Grants, Professional-Technical-Consulting	RULES	
	Contracts, Non-State Bids and Public Contracts		
#2	Monday 12 July	Noon Tuesday 6 July	Noon Wednesday 30 June
#3	Monday 19 July	Noon Tuesday 13 July	Noon Wednesday 7 July
#4	Monday 26 July	Noon Tuesday 20 July	Noon Wednesday 14 July
#5	Monday 2 August	Noon Tuesday 27 July	Noon Wednesday 21 July

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House Information Office (651) 296-2146: State Office Building,
Room 175, Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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Federal Register

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U.S. Government Printing Office – Fax: (202) 512-1262
Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

Minnesota State Court System

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Minnesota Judicial Center, Room 135, 25 Rev. Dr. Martin Luther King Jr Blvd.,
St. Paul, MN 55155 **Website:** www.courts.state.mn.us

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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Natural Resources Department

6234.0300; 6236.0700; 6237.0100; .0200; .0300; .0400; .0500;
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7007.0100; .0150; .0200; .0250; .1050; .1100; .1102; .1105; .1107;
.1110; .1140; .1141; .1142; .1143; .1144; .1145; .1146; .1147;
.1148; 7011.0065; .0070; .0075; .0917; 7019.3020; .3030
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Comments on Planned Rules or Rule Amendments. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pollution Control Agency Majors and Remediation Division

Proposed Permanent Rules Relating to Capped Emission Permits and State Permits with Environmental Management Systems (EMS) Provisions

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received Proposed Rules Governing Air Emission Permits to be Codified in *Minnesota Rules* Chapter 7007, with Conforming Amendments to Chapters 7005, 7011, 7017 and 7019.

Introduction. The Minnesota Pollution Control MPCA (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on August 11, 2004, a public hearing will be held in the MPCA Board Room, MPCA St. Paul Office, 520 Lafayette Road N., St. Paul, Minnesota 55155, starting at 9:00 A.M. on , August 24, 2004. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after August 11, 2004 and before August 24th, 2004.

MPCA Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is: Mary Jean Fenske, MPCA, 520 Lafayette Road N., St. Paul, Minnesota 55155-4194, phone – (651) 297-5472; FAX – (651) 297-8676 and *email*: maryjean.fenske@state.mn.us.

TTY users may call the MPCA at TTY 651-292-5332 or 1-800-657-3864.

Subject of Rules and Statutory Authority. This rulemaking proposes new rules (to be codified in Minn. R. ch. 7007) that provide two new options for the permitting of certain air emission facilities in the state. Both options will be available to qualifying facilities that have air emissions that are less than the federal thresholds for Title V air emission permits. The two new options are described below:

Capped Emissions Permit Option – The capped emission permit option establishes conditions under which facilities with actual emissions less than 90% of the federal permitting thresholds would be allowed to apply for and obtain an air emissions permit in which the permit requirements are contained in the rule itself. This rule-based state permit would be called a “capped emission permit” or “capped permit”. This rulemaking would offer a permitting option that applies all applicable requirements to non-complex facilities for which site-specific, customized permit conditions are not necessary. As long as the facility remains below the thresholds

KEY: Proposed Rules Section - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules Section** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Proposed Rules

and demonstrates it will continue to meet the requirements of the rule, it may make changes at the facility without requiring a permit amendment from the MPCA. The MPCA estimates that 100 to 135 facilities may be eligible for a capped permit, although not all of these facilities may choose to apply for this permit option.

EMS Permit Option - This permit option titled Environmental Management Systems (EMS), allows air emission facilities that employ qualifying EMS' as a tool to improve environmental compliance and environmental performance to operate under emission caps set in individually issued state permits without the need for advance approval of certain minor and moderate changes that a facility may make from time to time. An EMS is a comprehensive system to track environmental compliance at a facility, and to identify and correct problems as they may arise. The proposed rule changes would put into place a procedure and requirements for this type of facility, and follow up on a successful pilot project that developed the EMS permit requirements for a Minnesota facility. In order to issue the permit for the pilot project, however, the MPCA had to have a variance proceeding in addition to the permit issuance process. This proposed rule change would allow other qualified facilities to receive those same "EMS provisions" without going through a rule variance process. In addition, the rule change provides a regulatory incentive for small and medium facilities to establish an EMS.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 116.07, subdivisions 4, 4a and 4b. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on August 11, 2004, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on August 11, 2004. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the MPCA or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for August 24, 2004 will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at 651-297-5471 after August 11, 2004 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 651-341-7609, and FAX 612-349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing

at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is now available from the MPCA contact person. This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the SONAR may be obtained at the cost of reproduction from the MPCA. In addition, the MPCA has placed a copy of the SONAR on its Web site at: www.pca.state.mn.us. Click on the News/Notices selection button to access the public notice that also contains the proposed rules and SONAR.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Request to Have MPCA Board Make Decision on Rule if Not Hearing is Required. If a hearing is required, the MPCA Board will make the final decision on whether to adopt the proposed rules. However, even if no hearing is required, you may submit a request to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule amendments. Your request must be in writing, must state to whom it is directed and must be received by the MPCA contact person by 4:30 p.m. on August 11, 2004. Under *Minnesota Statutes*, section 116.02 where a hearing is not required the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

Adoption Procedure if No Hearing. If no hearing is required, the MPCA may adopt the rules after the end of the 30 day comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may request the MPCA contact person to notify you of the date the rules are submitted to the Office of Administrative Hearings. In addition, if you want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the MPCA adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the MPCA contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Sheryl Corrigan
Commissioner

7007.0100 DEFINITIONS.

[For text of subs 1 to 7a, see M.R.]

Subp. 7b. Capped emission permit or capped permit. “Capped emission permit” or “capped permit” means a state permit issued under parts 7007.1140 to 7007.1148. All capped permit requirements are contained in rule. There are no site-specific permit require-

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Proposed Rules

ments. The capped permit allows a stationary source to make changes provided emissions remain below thresholds and all other conditions in parts 7007.1140 to 7007.1148 are met. The permit is designed for certain noncomplex facilities for which site-specific conditions are not necessary.

Subp. 7c. Customary permit conditions. “Customary permit conditions” means the permit conditions related to amendments, deviation reporting, and calculation frequency that are included in a state permit with environmental management systems (EMS) provisions and are applicable if a stationary source is establishing or has lost eligibility for the EMS provisions.

[For text of subps 8 to 9a, see M.R.]

Subp. 9b. Environmental management system or EMS. “Environmental management system” or “EMS” means an ongoing program of planning, implementing, reviewing, and improving the actions at a stationary source that the owner or operator takes to meet its environmental obligations and legal requirements, and to improve environmental performance, as measured by pollutants emitted or discharged, waste generated, or other objective measures. An EMS for a stationary source conforms to the requirements of the ISO 14001 standard, “Environmental management systems - Specification with guidance for use” published by the International Organization for Standardization (ISO), 1996. An EMS for a stationary source is either registered to the ISO 14001 EMS standard under the American National Standards Institute-Registrar Accreditation Board (ANSI-RAB) National Accreditation Program, or is an EMS that conforms to the requirements of the ISO 14001 EMS standard as determined by an EMS auditor.

Subp. 9c. EMS audit. “EMS audit” means a systematic, independent, and documented verification process, conducted by an EMS auditor, objectively obtaining and evaluating evidence to determine whether a stationary source’s EMS conforms to the requirements of the ISO 14001 EMS standard. EMS audits meet the requirements of:

A. ISO 19011: Guidelines for quality and/or environmental management systems auditing, ISO, 2002;

B. ISO/International Electrotechnical Commission (IEC) Guide 66: General requirements for bodies operating assessment and certification/registration of environmental management systems, ISO, 1999;

C. Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), 1996; and

D. National Accreditation Program Advisories, Registrar Accreditation Board (RAB).

The full scope of the stationary source’s EMS is audited in a two-year period.

Subp. 9d. EMS auditor. “EMS auditor” means a person certified as an EMS lead auditor by the RAB to conduct ISO 14001 EMS audits who is not an owner, operator, or employee of the stationary source or a subsidiary, division, or subdivision of an owner, operator, or employee of the stationary source. Other than previous EMS audits, an EMS auditor shall not have provided EMS or other environmental consulting services to the audited stationary source within the two years prior to the EMS audit.

Subp. 9e. EMS auditor’s documentation of findings. “EMS auditor’s documentation of findings” means any of an EMS auditor’s records of evidence of conformance or nonconformance with the requirements of the ISO 14001 EMS standard collected and verified in the course of an EMS audit. Sources of information leading to verified evidence may include, but are not limited to, interviews, observations, and reviews of electronic databases, documents, records, reports from external sources, and the owner or operator’s performance analysis or internal audits.

Subp. 9f. EMS provisions. “EMS provisions” means the requirements in part 7007.1107, subparts 2 and 3, which are alternatives to customary permit conditions. An owner or operator with an environmental management system may apply to have the EMS provisions included in its state permit.

[For text of subps 10 to 12b, see M.R.]

Subp. 12c. Major nonconformance. “Major nonconformance” means a failure to establish, implement, or maintain a numbered element of the ISO 14001 EMS standard that has the potential to cause a violation of regulatory, legal, or other environmental requirements. This definition applies to an owner or operator of a stationary source applying for or holding a state permit that includes EMS provisions. A major nonconformance is identified by an EMS auditor.

[For text of subps 13 to 24, see M.R.]

Subp. 24a. Summary of EMS audit results. “Summary of EMS audit results” is a document signed by an EMS auditor, describing the date and scope of the audit, and conformance, minor nonconformance, or any major nonconformance found in the course of an EMS audit. For major nonconformance, the summary of EMS audit results summarizes the objective evidence found by the EMS auditor, describes corrective actions planned or completed by the stationary source, and details follow-up audit activity planned or completed by the EMS auditor.

[For text of subps 25 to 27, see M.R.]

7007.0150 PERMIT REQUIRED.

[For text of subpart 1, see M.R.]

Subp. 2. **Permit required.** Part 7007.0200 describes which emission facilities, emissions units, and stationary sources in Minnesota are required to obtain a part 70 permit. Part 7007.0250 describes which emission facilities, emission units, and stationary sources in Minnesota are required to obtain a state permit. Part 7007.0300 describes emission units and stationary sources in Minnesota that are not required to obtain a permit. Part 70 and state permits required in parts 7007.0200 and 7007.0250 may alternately be obtained in the form of a general permit, if available, under part 7007.1100. Permits may also alternately be obtained in the form of a registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies under those parts; or in the form of a capped permit under parts 7007.1140 to 7007.1148, if the stationary source qualifies under those parts.

[For text of subs 3 to 5, see M.R.]

7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

Subpart 1. **Part 70 permit required.** The emission facilities, emission units, and stationary sources described in subparts 2 to 5 must obtain a part 70 permit from the agency. All provisions of parts 7007.0100 to 7007.1850 apply to part 70 permits unless the provision states that it applies only to state permits, registration permits, capped permits, or general permits. If the owner or operator of a stationary source is required to obtain a part 70 permit by subpart 2, item B or C, the owner or operator shall also separately determine under subpart 2, item A, if the stationary source is a major source subject to major source requirements under section 112 of the act.

[For text of subs 2 to 6, see M.R.]

7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.

Subpart 1. **State permit required.** The stationary sources described in this part must obtain a state permit from the agency under this part. All provisions of parts 7007.0100 to 7007.1850 apply to state permits unless the provision states that it applies only to part 70 permits, general permits, capped permits, or registration permits.

For text of subs 2 to 7, see M.R.

Subp. 8. Capped permits. A stationary source required to obtain a state permit from the agency under this part, or which chooses to obtain a state permit to limit its emissions to levels below those that would trigger the requirement to obtain a part 70 permit, may elect to instead obtain a capped permit under parts 7007.1140 to 7007.1148, if the stationary source qualifies under those parts.

7007.1050 DURATION OF PERMITS.

[For text of subpart 1, see M.R.]

Subp. 2. **State permits and capped permits.** A state permit or capped permit shall not automatically expire unless the agency makes the permit an expiring one under subpart 5.

[For text of subs 3 to 4, see M.R.]

Subp. 5. **Expiring state, capped, and general permits.** The agency may elect to make state permits, capped permits, and general permits (except general permits that apply to stationary sources otherwise required to have a part 70 permit) expire five years or more after issuance if the permittee requests an expiring permit or if the agency determines that an expiring permit would significantly improve the likelihood of continuing compliance with applicable requirements and the terms of the permit. Grounds for such a determination include, but are not limited to, the following:

- A. the stationary source has a history of noncompliance with applicable requirements or with an air emissions permit;
- B. the applicable requirements to which the stationary source is currently subject are expected to change substantially within the next five years; or
- C. the stationary source is likely to make substantial changes within the next five years making it subject to additional applicable requirements.

This subpart does not apply to any title I condition.

[For text of subs 6 and 7, see M.R.]

7007.1100 GENERAL PERMITS.

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[For text of subpart 1, see M.R.]

Subp. 2. **Public participation.** The agency shall follow the same public participation procedures in part 7007.0850, subparts 2 and 3, for individual permits except as stated otherwise in this subpart. The notice of the agency's intent to publish a general permit need not be published in newspapers of general circulation but shall be published in the *State Register*. The notice need not include any facility specific information. The notice issued by the agency shall identify criteria for stationary sources that qualify for the general permit and identify the geographic area in which it applies. If the general permit is sector-based, the notice shall state whether a stationary source holding a capped permit issued under parts 7007.1140 to 7007.1148 must apply for the sector-based general permit. The agency need not comply with part 7007.0850, subpart 2, item A, subitem (4), unless the stationary source category includes stationary sources subject to the requirement to obtain part 70 permits.

[For text of subs 3 to 8, see M.R.]

7007.1102 INCORPORATIONS BY REFERENCE.

For the purpose of parts 7007.0100, subparts 9b, 9c, and 9e; 7007.1105; and 7007.1107, the documents in items A to E are incorporated by reference. These documents are subject to change, including numbering, title, consolidation, reorganization, and minor wording revisions. The ISO documents are published by the International Organization for Standardization (ISO), Geneva, Switzerland. The documents in items A to C are available at the American National Standards Institute (ANSI), New York, New York 10036 (www.ansi.org), or through the Minitex interlibrary loan system.

A. ISO 14001: Environmental management systems - Specification with guidance for use, ISO, 1996.

B. ISO 19011: Guidelines for quality and/or environmental management systems auditing, ISO, 2002.

C. ISO/International Electrotechnical Commission (IEC) Guide 66: General requirements for bodies operating assessment and certification/registration of environmental management systems, ISO, 1999.

D. Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), 1996. This publication is available through IAF (www.iaf.nu).

E. National Accreditation Program Advisories, Registrar Accreditation Board (RAB). These publications are available through RAB, P.O. Box 3005, Milwaukee, Wisconsin 53201-3005 (www.rabnet.com).

7007.1105 ELIGIBILITY FOR ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) PROVISIONS IN STATE PERMITS.

Subpart 1. **Eligibility for existing stationary sources.** If the commissioner determines that an owner or operator meets the requirements of items A and B, then a stationary source applying for and qualifying for a state permit with the EMS provisions described in part 7007.1107, subparts 2 and 3, may request inclusion of the EMS provisions in its permit.

A. The owner or operator has implemented an ISO 14001-registered EMS at the stationary source, or has implemented an EMS conforming to the requirements of the ISO 14001 standard as determined by an EMS auditor.

B. The owner or operator has applied for a permit to establish facility-wide emission limits for the following pollutants, if they are emitted by the stationary source: NO_x, SO₂, PM, PM-10, CO, VOC, Pb, and hazardous air pollutants. The commissioner may establish emission limits for other regulated pollutants described under part 7007.0200, subpart 2, that are emitted by the stationary source.

Subp. 2. **Ineligibility for EMS provisions.** A stationary source is ineligible for the EMS provisions in part 7007.1107, subparts 2 and 3, if the commissioner determines the stationary source does not meet the conditions under subpart 1, item A, or for any of the grounds listed in part 7007.1000, subpart 2.

Subp. 3. **Transitional eligibility.** An owner or operator of a stationary source that has not been constructed at the time of application may apply prior to construction for a state permit that includes EMS provisions. An owner or operator of an existing stationary source that is applying for a new permit or renewing an existing permit and plans to implement an eligible EMS after permit application or issuance may also apply for a state permit that includes EMS provisions. In either case, the owner or operator must apply for a permit to establish facility-wide emission limits for the following pollutants, if they are emitted by the stationary source: NO_x, SO₂, PM, PM-10, CO, VOC, Pb, and hazardous air pollutants. The commissioner may establish emission limits for other regulated pollutants described under part 7007.0200, subpart 2, that are emitted by the stationary source. During the transitional period, the time between initial startup of the new stationary source and notification to the commissioner of its eligibility for the EMS provisions, or the time between an existing stationary source's permit issuance and its notification to the commissioner of its eligibility for the EMS provisions, the stationary source must comply with the customary permit conditions included in the permit. To establish eligibility for the EMS provisions after the transitional period, the stationary source must comply with items A to C.

A. The owner or operator must complete EMS development for the stationary source including at least one EMS audit within 365 days

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of initial start-up of the new stationary source, or within 365 days of permit issuance for the existing stationary source.

B. During the transitional period, summaries of EMS audit results must be sent directly to the commissioner by the EMS auditor within 45 days of the date the EMS audit was conducted at the stationary source.

C. The owner or operator must notify the commissioner after EMS audits of the full scope of the stationary source's EMS have been completed with no major nonconformances found and the summaries of EMS audit results have been submitted directly to the commissioner by the EMS auditor. The stationary source is eligible for the EMS provisions in part 7007.1107, subparts 2 and 3, seven working days after the notification is received by the commissioner, unless the commissioner denies the stationary source eligibility under subpart 2.

Subp. 4. Grounds for loss of eligibility for EMS provisions.

A. The stationary source is ineligible for the provisions described in part 7007.1107, subparts 2 and 3, if the stationary source no longer has an EMS as defined in part 7007.0100, subpart 9b. The owner or operator shall notify the commissioner in writing within seven working days upon learning that the stationary source no longer has an EMS as defined in part 7007.0100, subpart 9b. The owner or operator shall immediately comply with the customary permit conditions included in the permit.

B. If a major nonconformance is discovered during an EMS audit, a follow-up EMS audit must take place at the stationary source within six months of the date the EMS auditor discovered the major nonconformance, but the scope of the follow-up EMS audit may be limited to those owner or operator actions necessary to correct the major nonconformance. The EMS auditor shall send the commissioner a summary of the results of the audit discovering major nonconformance and the follow-up EMS audit within 45 days of their occurrence. The commissioner shall review the summaries of the EMS audit results and may determine the stationary source is no longer eligible for the EMS provisions if the EMS auditor found the same major nonconformance during the follow-up EMS audit. The owner or operator shall comply with the customary permit conditions upon receipt of written notification from the commissioner that the EMS provisions are no longer effective.

C. The commissioner may determine the stationary source is no longer eligible for the EMS provisions described in part 7007.1107, subparts 2 and 3, if the commissioner finds that unresolved noncompliance with applicable requirements or with the permit exists. If such a decision is made, the commissioner shall notify the owner or operator in writing that the EMS provisions of the permit are no longer effective and the stationary source shall comply with the customary permit conditions upon receipt of the commissioner's written notification.

Subp. 5. Reinstating eligibility for EMS provisions. If a stationary source loses eligibility for the EMS provisions under subpart 4, the owner or operator may reapply for eligibility by notifying the commissioner in writing that:

A. a period of one year has passed since the receipt of the ineligibility notification; and

B. following the stationary source's correction of the cause or causes of loss of eligibility for the EMS provisions, an EMS audit or EMS audits covering the full scope of the stationary source's EMS have been completed with no major nonconformances found and the summaries of EMS audit results have been submitted directly to the commissioner by the EMS auditor.

Subject to the commissioner's review of the summaries of EMS audit results, the commissioner shall notify the owner or operator in writing that the stationary source's eligibility for the EMS provisions has been reinstated effective the date of notification.

Subp. 6. Change of ownership or control. If there is a change of ownership or control at a stationary source, the stationary source may retain the EMS provisions in the permit if the full scope of the stationary source's EMS is audited no sooner than 12 or no later than 24 months of the date of change of ownership or control through one or more EMS audits. A summary of each EMS audit's results shall be sent directly from the EMS auditor to the commissioner within 45 days of completion of the EMS audit. The commissioner shall review the summary or summaries of EMS audit results. Based on that review, the commissioner shall determine whether the stationary source remains eligible under this part for the EMS provisions in its permit, and notify the stationary source of that determination in writing. If the commissioner determines the stationary source has lost eligibility for the EMS provisions, the stationary source shall comply with the customary permit conditions immediately upon receipt of the written notification.

Subp. 7. Commissioner review of EMS auditor's documentation of findings. The commissioner may request the owner or operator to provide the EMS auditor's documentation of findings when making the following determinations about a stationary source's eligibility for the EMS provisions:

A. eligibility for existing stationary sources under subpart 1;

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B. ineligibility for EMS provisions under subpart 2;

C. transitional eligibility under subpart 3;

D. loss of eligibility under subpart 4;

E. reinstating eligibility for EMS provisions under subpart 5; or

F. change of ownership or control under subpart 6. The owner or operator may request the commissioner to treat information submitted in the EMS auditor's documentation of findings as confidential by following the procedures established by part 7000.1300.

Subp. 8. Stationary source notification of return to customary permit conditions. The owner or operator may at any time notify the commissioner in writing that the stationary source will no longer operate under the EMS provisions and will instead comply with the customary permit conditions. This change of status is effective immediately upon the commissioner's receipt of the notification.

7007.1107 APPLICATION AND PERMIT CONTENT RELATED TO INCLUSION OF EMS PROVISIONS IN STATE PERMITS.

Subpart 1. Application content. An owner or operator of a stationary source applying for inclusion of the EMS provisions in subparts 2 and 3 in a state permit must:

A. Submit an application meeting the requirements of parts 7007.0100 to 7007.1850. If the owner or operator has submitted a complete application for a state, part 70, capped, or general permit prior to the application deadline in part 7007.0350 or 7007.0400 and is eligible for a state permit with EMS provisions, then an owner or operator applying for inclusion of EMS provisions may supplement information in a previous application to meet the application content requirements listed in this subpart.

B. For SO₂, PM-10, and NO_x emitted by the source:

(1) comply with part 7007.1148, subpart 1 or 2, ambient air quality assessment; or

(2) demonstrate to the satisfaction of the commissioner that the one-hour, three-hour, and 24-hour SO₂; the 24-hour PM-10; and annual NO₂ concentrations predicted at and beyond the property line of the stationary source through site-specific modeling are lower than the corresponding standards in part 7009.0080.

The application must specify which method was used for each pollutant emitted and include a summary of the results of the assessment. In performing the assessment, the owner or operator may assume specific limits or conditions it is proposing to be included in the permit.

C. Provide information in the application on a form approved by the commissioner to demonstrate that the stationary source meets the eligibility requirements in part 7007.1105 for a state permit that includes the EMS provisions. This application form must be accompanied by a summary of EMS audit results for the stationary source's most recent EMS audit.

Subp. 2. EMS provisions: flexibility in amendment, reporting, and calculation procedures. If a stationary source meets the eligibility requirements in part 7007.1105, the agency shall include the conditions specified in this subpart in the stationary source's state permit.

A. When calculating emission changes to determine if an amendment is necessary, an owner or operator need only follow the methods described under part 7007.1200, subpart 2, for any pollutant with a facility-wide emission limit. Part 7007.1200, subpart 3, does not apply.

B. A semiannual deviation report is required in the reporting period under part 7007.0800, subpart 6, item A, subitem (2), except that the deviation report is due only if a deviation occurred in the reporting period.

C. An owner or operator shall comply with the requirements related to calculation frequency in subitems (1) to (3).

(1) If the actual emissions of any pollutant listed in this subitem are less than the "Eligibility Limit for Reduced Calculation" for that pollutant for the previous calendar year, then the owner or operator may calculate and record actual emissions for that pollutant on a calendar year basis. The owner or operator shall by January 30 of each year calculate and record the sum of actual emissions for the previous calendar year. This calculation must be made pursuant to the requirements of the permit. Unless otherwise specified in the permit, this calculation must include all emissions units at the stationary source, except for insignificant activities under part 7007.1300, subparts 2 and 3, and conditionally insignificant activities under chapter 7008. The following pollutants have the listed "Eligibility Limit for Reduced Calculation":

(a) any single HAP, 2.5 tons/year;

(b) total HAP, 6.25 tons/year;

(c) NO_x, 25 tons/year;

(d) SO₂, 25 tons/year;

(e) PM, 25 tons/year;

- (f) PM-10, 25 tons/year;
- (g) VOC, 25 tons/year;
- (h) CO, 25 tons/year; and
- (i) Pb, 0.050 tons/year.

(2) If actual emissions for the previous calendar year exceed the “Eligibility Limit for Reduced Calculation” for a pollutant listed in subitem (1), then the stationary source is no longer eligible for annual calculations for that pollutant under subitem (1). The permit shall specify the customary permit conditions for calculation frequency if the stationary source becomes ineligible for the reduced calculation frequency under subitem (1). To reinstate eligibility for reduced calculation frequency under subitem (1) for a pollutant, the owner or operator shall demonstrate that actual emissions for that pollutant are below the “Eligibility Limit for Reduced Calculation” in subitem (1) for 12 consecutive months using the customary permit conditions for calculation frequency.

(3) The commissioner may require the owner or operator to monitor operating parameters and may establish conditions in the permit such that if an operating parameter is exceeded, more frequent calculation than that specified under subitem (1) is required. The commissioner shall establish these permit conditions if the commissioner determines that an annual calculation is not sufficient to ensure that the stationary source will remain below the facility-wide emission limits established in the permit.

Subp. 3. Requirements related to inclusion of EMS provisions. If a stationary source meets the eligibility requirements in part 7007.1105 and requests the inclusion of the EMS provisions in subpart 2, the agency shall include in the stationary source’s state permit the conditions specified in items A to C.

- A. The permit shall include the customary permit conditions related to amendments, deviations reporting, and calculation frequency.
- B. An EMS audit of the stationary source by an EMS auditor must be conducted at least every two years.
- C. A summary of EMS audit results shall be sent directly from the EMS auditor to the commissioner within 45 days of the date of any EMS audit, if requested by the commissioner or as required under part 7007.1105, subparts 1 to 6.

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

Subpart 1. **Stationary sources that may obtain a registration permit.** A stationary source that qualifies for a registration permit under this part and part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D) may elect to apply to the commissioner for a registration permit instead of a part 70, state, capped, or general permit, except as provided in subpart 2.

[For text of subs 2 to 15, see M.R.]

Subp. 16. **Application for a different type of permit.** The owner or operator shall submit an application for a part 70, state, capped, or general permit, or a different registration permit option, within 120 days of the commissioner’s written request for the application if the commissioner determines that:

[For text of items A to D, see M.R.]

Subp. 17. **Voiding an existing permit.** The commissioner shall void a part 70, capped, or state permit for a stationary source which is issued a registration permit. A stationary source which is covered under the terms of a general permit is no longer covered by the general permit when it is issued a registration permit. The commissioner shall void a registration permit issued under one registration permit option for a stationary source that is issued a registration permit for a different registration permit option. The commissioner shall void a registration permit for a stationary source that is issued a part 70, state, capped, or general permit.

[For text of subs 18 to 22, see M.R.]

7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.

Subpart 1. **Sources that may obtain a capped permit.** A stationary source that qualifies for capped permit option 1 under part 7007.1141, subpart 1, or capped permit option 2 under part 7007.1141, subpart 2, may elect to apply to the commissioner for a capped permit instead of a part 70, state, registration, or general permit, except as provided in item B. The owner or operator of a stationary source may apply for a capped permit under this part if the stationary source meets the following criteria:

- A. An owner or operator applies for capped permit option 1 or capped permit option 2 and meets the requirements of subitems (1) or (2).

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(1) For option 1, all emissions units at the stationary source are either included in calculations in part 7007.1146; are insignificant activities under part 7007.1300, subpart 2; or are insignificant activities under part 7007.1300, subpart 3, for which emission factors or other calculation methods do not exist.

(2) For option 2, all emissions units at the stationary source are either included in calculations in part 7007.1146, or are insignificant activities under part 7007.1300, subpart 2 or 3, or are conditionally insignificant activities described in chapter 7008.

B. The 12-month rolling sum of actual emissions at the stationary source for each pollutant is less than or equal to the thresholds in option 1 or option 2. If the source has not been operated or has operated for less than 12 months, the 12-month sum of estimated actual emissions is less than or equal to the thresholds in part 7007.1141.

C. The owner or operator does not anticipate making changes in the next year which will cause the stationary source's 12-month rolling sum of actual emissions to exceed any threshold in tons per year listed in part 7007.1141.

D. The owner or operator complies with part 7007.1148, ambient air quality assessment.

Subp. 2. Sources that may not obtain a capped permit.

A. A stationary source may not obtain a capped permit if it is required to obtain a permit under parts 7007.0200, subpart 3, acid rain affected sources; 7007.0200, subpart 4, solid waste incinerators and waste combustors; 7007.0200, subpart 5, other part 70 sources; 7007.0250, subpart 3, state implementation plan required state permit; or 7007.0250, subpart 6, waste combustors.

B. A stationary source may not obtain a capped permit if air quality specific conditions or limits not contained in parts 7007.1140 to 7007.1148 were assumed:

- (1) as a mitigation measure in an environmental impact statement;
- (2) in obtaining a negative declaration in an environmental assessment worksheet; or
- (3) in demonstrating compliance with any state or national ambient air quality standards.

C. A stationary source may not obtain a capped permit if it produces fuel grade ethanol or if a sector-based state general permit is available except as allowed under part 7007.1100, subpart 2.

D. A stationary source may not obtain a capped permit if the commissioner determines site-specific permit requirements are needed to ensure compliance with applicable requirements or to protect human health or the environment.

E. No stationary source may obtain a capped permit if it is subject to a new source performance standard other than one of the following:

(1) *Code of Federal Regulations*, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, incorporated by reference in part 7011.0570;

(2) *Code of Federal Regulations*, title 40, part 60, subpart I, Standards of Performance for Hot Mix Asphalt Facilities, incorporated by reference in part 7011.0909;

(3) *Code of Federal Regulations*, title 40, part 60, subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, incorporated by reference in part 7011.1520, item A;

(4) *Code of Federal Regulations*, title 40, part 60, subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced after May 18, 1978, and Prior to July 23, 1984, incorporated by reference in part 7011.1520, item B;

(5) *Code of Federal Regulations*, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984, incorporated by reference in part 7011.1520, item C;

(6) *Code of Federal Regulations*, title 40, part 60, subpart DD, Standards of Performance for Grain Elevators, incorporated by reference in part 7011.1005, subpart 2;

(7) *Code of Federal Regulations*, title 40, part 60, subpart EE, Standards of Performance for Surface Coating of Metal Furniture, incorporated by reference in part 7011.2550;

(8) *Code of Federal Regulations*, title 40, part 60, subpart GG, Standards of Performance for New Stationary Gas Turbines, incorporated by reference in part 7011.2350;

(9) *Code of Federal Regulations*, title 40, part 60, subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances, incorporated by reference in part 7011.2565;

(10) *Code of Federal Regulations*, title 40, part 60, subpart XX, Standards of Performance for New Bulk Gasoline Terminals, incorporated by reference in part 7011.1550;

(11) *Code of Federal Regulations*, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners, incorporated

by reference in part 7011.3250; and

(12) Code of Federal Regulations, title 40, part 60, subpart TTT, Standards of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines, incorporated by reference in part 7011.2580.

7007.1141 CAPPED PERMIT EMISSION THRESHOLDS.

Subpart 1. Option 1 emission thresholds.

- A. HAP, 9.0 tons per year for a single HAP, 20 tons per year total for all HAPs;
- B. PM, 90 tons per year;
- C. PM-10, 90 tons per year;
- D. VOC, 90 tons per year;
- E. SO₂, 90 tons per year;
- F. NO_x, 90 tons per year;
- G. CO, 90 tons per year; and
- H. Pb, 0.50 tons per year.

Subp. 2. Option 2 emission thresholds.

- A. HAP, 8.0 tons per year for a single HAP, 20 tons per year total for all HAPs;
- B. PM, 75 tons per year;
- C. PM-10, 75 tons per year;
- D. VOC, 85 tons per year;
- E. SO₂, 90 tons per year;
- F. NO_x, 85 tons per year;
- G. CO, 85 tons per year; and
- H. Pb, 0.50 tons per year.

7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.

Subpart 1. Capped permit issuance, denial, and revocation. The commissioner shall issue a capped permit to the owner or operator of a stationary source if the owner or operator has submitted a complete application for a capped permit, the commissioner determines that the stationary source qualifies for the capped permit option under parts 7007.1140 to 7007.1148 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the capped permit. The commissioner shall deny an application for a capped permit if the commissioner determines that the stationary source does not qualify for the capped permit option under parts 7007.1140 to 7007.1148 for which the application was submitted or that the stationary source will not be able to comply with the capped permit. The grounds for permit denial in parts 7007.1000, subpart 1, item H, and part 7007.1000, subpart 2, items B to G, also constitute grounds for the commissioner to deny a capped permit application. The commissioner may revoke a capped permit, if the commissioner finds that any of the grounds under subpart 6 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

Subp. 2. Changes or modifications rendering stationary source ineligible for its current capped permit option. If the owner or operator intends to make a change or modification at a stationary source issued a capped permit which results in the stationary source becoming ineligible for that permit option or being unable to meet the requirements for that permit option, but which will result in the stationary source being eligible for the other capped permit option, then the owner or operator must comply with items A to C.

A. The owner or operator must submit the required permit application to the commissioner before making the change or beginning actual construction on the modification. The public participation process in part 7007.1144 does not apply to applications in which a stationary source is transferring from one capped permit option to another.

B. The owner or operator may make the change or begin actual construction on and start-up of the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

C. Until the commissioner acts on the permit application, the owner or operator must comply with the requirements of the capped permit option for which the owner or operator applied, and all applicable requirements. During this time period, the owner or operator

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need not comply with the capped permit requirements specific to the option under which the owner or operator currently holds a capped permit.

Subp. 3. Changes or modifications rendering stationary source ineligible for either capped permit option. The owner or operator of a stationary source that has been issued a capped permit must submit a registration, part 70, state, or general permit application before making a change or modification which results in the stationary source no longer qualifying for either capped permit option under parts 7007.1140 to 7007.1148. The owner or operator may not begin actual construction on the modification until the required registration, part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a change or modification rendering it ineligible for either capped permit option under parts 7007.1140 to 7007.1148, the stationary source may only become eligible for a capped permit again if it meets the requirements of subpart 4.

Subp. 4. Reinstatement of eligibility for capped permit through addition of air pollution control equipment, removal of emission units, or implementation of pollution prevention practices. If through the addition of listed control equipment as defined in part 7011.0060, permanent removal of emissions units, or implementation of pollution prevention practices the stationary source reinstates eligibility for a capped permit under parts 7007.1140 to 7007.1148, the owner or operator may reapply for a capped permit. If the stationary source reinstates eligibility for a capped permit due to implementation of pollution prevention practices, the owner or operator shall submit a description of the pollution prevention practices with the capped permit application for the commissioner's review and approval. For purposes of this subpart, "pollution prevention practices" means eliminating or reducing at the source the quantity or toxicity of regulated air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or emitted from the stationary source. Emission reductions are not reductions if the decrease is solely the result of a decrease in production at the stationary source.

Subp. 5. Change of name, ownership, or control of stationary source issued a capped permit.

A. Prior to a change of the name of the stationary source or any mailing address listed in the permit, the owner or operator must submit a request for change of the name or address on a form provided by the commissioner. The commissioner shall reissue the capped permit to the owner or operator with the changed name or mailing address. Issuance of a capped permit with a new name or mailing address voids and supersedes the previously issued capped permit.

B. Prior to a change in the ownership or control of a stationary source issued a capped permit under parts 7007.1140 to 7007.1148, the new owner or operator must submit a request for change of the owner or operator on a form provided by the commissioner. If the commissioner determines that the new owner or operator meets the requirements of parts 7007.1140 to 7007.1148 for capped permit issuance, then the commissioner shall issue the capped permit to the new owner or operator. Issuance of a capped permit to the new owner or operator of an eligible stationary source voids and supersedes the capped permit of the previous owner or operator.

Public participation procedures in part 7007.1144 do not apply to the issuance of a capped permit for a change of stationary source name, mailing address, ownership, or control.

Subp. 6. Agency request for different type of permit application. The owner or operator shall submit an application for a part 70, state, or general permit, or a different capped permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

A. the stationary source has a history of noncompliance with applicable requirements or with its capped permit;

B. the stationary source no longer qualifies for its capped permit;

C. the stationary source qualifies for the other capped permit option under parts 7007.1140 to 7007.1148;

D. the applicable requirements to which the stationary source is subject are about to or have changed substantially;

E. the permit application contains material mistakes or inaccurate statements to establish eligibility for the emissions standards, limitations, or other terms or conditions of the permit;

F. alterations or modifications to the permitted facility will result in or have the potential to result in significant alteration in the nature or quantity of regulated air pollutants to be emitted by the permittee; or

G. the commissioner receives information previously unavailable to the commissioner that shows that the terms and conditions of the permit do not accurately represent the actual circumstances relating to the permitted facility.

Subp. 7. Voiding an existing permit. The commissioner shall void a part 70, state, or registration permit for a stationary source which is issued a capped permit. A stationary source that is covered under the terms of a general permit is no longer covered by the general permit when it is issued a capped permit. The commissioner shall void a capped permit issued under one capped permit option for a stationary source that is issued a capped permit for a different capped permit option. The commissioner shall void a capped permit for a stationary source that is issued a registration, part 70, state, or general permit.

7007.1143 CAPPED PERMIT GENERAL REQUIREMENTS.

Subpart 1. Capped permit certifications. A responsible official, as defined in part 7007.0100, subpart 21, shall sign and certify any capped permit application, report, compliance certifications, and record keeping, testing, or monitoring submitted pursuant to parts 7007.1140 to 7007.1148 with regard to truth, accuracy, and completeness. The certification and any other certification required by parts 7007.1140 to 7007.1148 must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. The certification that is submitted with a capped permit application must additionally state that the stationary source will be operated in compliance with all applicable requirements, and must be signed by a responsible official of both the owner and the operator of the stationary source if they are not the same.

Subp. 2. Capped permit content. A capped permit must identify the stationary source, the owner and operator of the stationary source, where the stationary source is allowed to operate, and shall state as follows: “The permittee shall comply with Minnesota Rules, parts 7007.1140 to 7007.1148, that pertain to capped permit **insert option 1 or option 2 whichever one applies**, and all applicable requirements, including development of a compliance plan and all record keeping, monitoring, and reporting described in parts 7007.1140 to 7007.1148.”

Subp. 3. Emission inventory required for stationary sources issued capped permits. The owner or operator of a stationary source issued a capped permit under parts 7007.1140 to 7007.1148 must submit an annual emission inventory to the commissioner under parts 7019.3000 to 7019.3100.

Subp. 4. Record retention, access to records, and inspections for stationary sources issued capped permits.

A. The owner or operator of a stationary source issued a capped permit under parts 7007.1140 to 7007.1148 must maintain at the stationary source for a period of five years from the date the record was made all information required to be recorded under applicable state and federal rules and parts 7007.1140 to 7007.1148. The owner or operator must make these records available for examination and copying upon request of the commissioner, and must upon request submit these records to the commissioner by the time specified by the commissioner in the request. A stationary source with a capped permit may maintain records at an office of the owner or operator of the stationary source for all years prior to the current calendar year of operation.

B. The owner or operator of a stationary source issued a capped permit under parts 7007.1140 to 7007.1148 must provide the commissioner, or an authorized representative or agent of the commissioner, access to the stationary source, including allowing the collection of samples, and records to the extent provided under *Minnesota Statutes*, section 116.091, or other law, upon presentation of credentials and other documents required by law.

C. Nothing in this subpart shall be read to limit the commissioner’s, agency’s, or administrator’s authority under *Minnesota Statutes*, section 116.091, section 114 of the act, or other law.

Subp. 5. No circumvention; permit shield.

A. The owner or operator of a stationary source that obtains a capped permit is subject to enforcement action for operation without a permit if the commissioner later determines that the stationary source does not qualify for the capped permit.

B. The permit shield under part 7007.1800 does not apply to capped permits.

Subp. 6. Operation in more than one location. If requested by the applicant, the capped permit may allow a stationary source to be operated in more than one location. If more than one location is proposed by the owner or operator, the owner or operator shall include in the application an identification of all geographic areas where the stationary source is authorized to operate during the course of the permit.

Subp. 7. Capped permit general conditions. Capped permits issued by the commissioner under parts 7007.1140 to 7007.1148 must include the general conditions in items A to O, which are included in the permit by reference to this part as a whole.

A. Unchallenged provisions of the permit remain valid despite any successful challenges to specific portions of the permit.

B. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of state law and, if the provision is federally enforceable, of the act. The violation is grounds for enforcement action by the commissioner, the agency, or the EPA or for permit revocation.

C. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

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D. The permit may be revoked for cause as provided in part 7007.1142, subpart 1. The filing of a request by the permittee for a different type of permit, a different capped permit option, revocation or termination of the permit, or a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in part 7007.1142, subpart 2.

E. The permit does not convey any property right of any sort or any exclusive privilege.

F. The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the commissioner copies of records to be kept by the permittee.

G. The commissioner's issuance of the permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain a permit.

H. The commissioner's issuance of the permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

I. The commissioner's issuance of the permit does not obligate the commissioner to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

J. The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

K. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. The permittee may not falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained or followed by the permit.

L. The permittee shall, when requested by the commissioner, submit within a reasonable time any information and reports that are relevant to pollution or the activities authorized under the permit.

M. If the permittee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the permit has occurred, the permittee shall immediately take all reasonable steps to minimize the adverse impact on human health or the environment resulting from the noncompliance.

N. The permit is not transferable to any person.

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state, the agency, and the commissioner assume no responsibility for damages to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state, the agency, and the commissioner may be liable for the activities of their employees, that liability is explicitly limited to that provided in the Tort Claims Act, *Minnesota Statutes*, section 3.376.

Subp. 8. **Parts that do not apply to capped permits.** Parts 7007.0500; 7007.0501; 7007.0600 to 7007.0950; 7007.1000, subpart 1, items A to G; 7007.1100 to 7007.1130; 7007.1150 to 7007.1250; 7007.1350 to 7007.1650; and 7007.1800 do not apply to capped permits issued under parts 7007.1140 to 7007.1148.

Subp. 9. **Parts that always apply to capped permits.** Parts 7007.1140 to 7007.1148 continue to apply to a stationary source issued a capped permit until a new capped, registration, state, part 70, or general permit is issued to the stationary source or the commissioner determines that the stationary source does not require any air emissions permit under part 7007.1050, subpart 7.

7007.1144 CAPPED PERMIT PUBLIC PARTICIPATION.

Subpart 1. **Notice of applications received.** The agency shall electronically post notice of receipt of an application for a capped permit. A person may request to receive notification from the agency of applications received.

Subp. 2. **Contents of notice.** The notice must identify the name and location of the facility to be permitted; the facility's primary Standard Industrial Classification code and short title; whether it is an existing facility or a new facility; a brief description of the comment procedures required by this part including the dates on which the comment period commences and terminates; and the name, address, telephone number, and electronic mail address of a person from whom interested persons may obtain additional information, including copies of the application and information on facility emissions.

Subp. 3. **Length of comment period.** The agency shall provide 30 calendar days for comment.

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Subp. 4. Contents of written comments. During the comment period established under subpart 3, an interested person may submit written comments on the eligibility of the applicant for the capped permit. A person who submits comments under this subpart shall include:

A. a statement of the person's interest in the permit application and any information related to a facility's eligibility for the capped permit;

B. a statement of the action the person wishes the agency to take; and

C. the reasons supporting the person's position, stated with sufficient specificity as to allow the commissioner to investigate the merits of the person's positions.

Subp. 5. Petition for contested case hearing. During the 30-day comment period, the person may also submit a petition for a contested case hearing on the application pursuant to part 7000.1800 or for placement of the permit on the agenda of an agency board meeting pursuant to part 7000.0650, subpart 3. The decision to grant or deny the petition for a contested case hearing shall be based on the criteria in part 7000.1900 and any hearing shall be held according to parts 7000.1750 to 7000.2200.

The public participation process requirements in this part do not apply to applications under part 7007.1142, subparts 2 and 5, in which a stationary source is transferring from one capped permit option to another or there is a change in name, mailing address, ownership, or control of the stationary source.

7007.1145 CAPPED PERMIT APPLICATION.

Subpart 1. Application procedures and request for additional information. Items A to C apply to capped permit applications submitted under parts 7007.1140 to 7007.1148.

A. The owner or operator of a stationary source must submit an application for a capped permit on a current standard application form provided by the commissioner. The owner or operator may supplement information in a previous application to meet the application content requirements in subpart 2. The commissioner may create different application forms for the two capped permit options available under parts 7007.1140 to 7007.1148.

B. Any owner or operator of a stationary source who fails to submit any relevant facts or who has submitted incorrect information in an application for a capped permit shall, upon becoming aware of the failure or incorrect information, promptly submit to the commissioner the supplementary facts or corrected information. This requirement applies both while the permit application is pending before the commissioner and after a capped permit is issued.

C. If the commissioner determines during review of the application that additional information is needed to evaluate the capped permit application or to verify that the stationary source qualifies for a capped permit under parts 7007.1140 to 7007.1148, the commissioner may request the information from the applicant, and the applicant shall submit the information to the commissioner by the date specified in the request.

Subp. 2. Information included. This subpart describes the standard information that will be required in a capped permit application. It does not limit the agency's statutory authority for requiring information in addition to that which is specifically listed. Applicants shall submit the following information as required by the standard application form:

A. The owner or operator shall specify whether they are applying for capped permit option 1 or 2 under part 7007.1141 at the time of application.

B. Information identifying the stationary source and its owners or operators, including company name and address, plant name and address if different from the company name, owner's name and agent, and contact telephone numbers and electronic mail address, including the name of a plant site manager or contact, and the person preparing the application if different.

C. A description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code and North American Industry Classification System (NAICS).

D. The following emissions-related information:

(1) A permit application shall provide the information required by this part for every emissions unit within the stationary source, except as provided otherwise in subitems (2) to (9) and information about fugitive emissions in the same manner as stack emissions, except that fugitive dust emissions from activities in part 7007.1300, subpart 3, item J, must be included in the calculations under this subpart only if the stationary source is in a category in part 7007.0200, subpart 2, item B, subitems (1) to (27).

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(2) The application shall include information about insignificant activities and conditionally insignificant activities as follows:

(a) For capped permit option 1, the application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300, subpart 2, and those activities in subpart 3 for which emission factors or other calculation methods do not exist. The application shall include a list identifying all activities at the stationary source described in part 7007.1300, subpart 3, of the insignificant activities list and conditionally insignificant activities described in chapter 7008. The owner or operator shall also provide a calculation of emissions from any activity described in part 7007.1300, subpart 3, for which emission factors or calculation methods exist and conditionally insignificant activities except as otherwise allowed by this subpart.

(b) For capped permit option 2, the application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300 or for conditionally insignificant activities described in chapter 7008, except as provided in this subitem. The application shall include a list identifying any activity at the stationary source described in part 7007.1300, subpart 3, and conditionally insignificant activities. If requested by the agency, the owner or operator shall provide a calculation of emissions from any activity described in part 7007.1300, subpart 3, and conditionally insignificant activities. The agency shall request such a calculation if it finds that the emissions from those activities, in addition to other emissions from the stationary source, could make the stationary source subject to different applicable requirements under parts 7007.0100 to 7007.1850 or not eligible for capped permit option 2 under parts 7007.1140 to 7007.1148.

(3) A permit application shall identify and describe each emission point in sufficient detail to verify the applicability of all applicable requirements. This shall include the location of all emission points and the location of all emissions units and processes venting through each emission point, the exhaust gas flow rate and temperature, and the stack height and diameter of an emission point.

(4) The permit application shall specify the potential emissions, as defined in part 7005.0100, subpart 35a, in pounds per hour from each emission unit and actual emissions in tons per year from the stationary source as a whole. These emissions shall be specified for each regulated air pollutant and each hazardous air pollutant that is not yet a regulated air pollutant, as defined in part 7007.0100, subparts 12a and 19, except that pollutants which are regulated solely under section 112(r) of the act need not be included and pollutants regulated solely under section 602 of the act need not be included.

(5) A permit application shall include the following information to the extent it is emissions-related: fuels, fuel use, raw materials, production rates, and operating schedules.

(6) If the calculations required by part 7007.1147 used control equipment efficiencies for listed control equipment determined by part 7011.0070, the permit application shall identify and describe the listed control equipment.

(7) A permit application must explain the means by which the emissions information in subitems (1) to (9) is gathered, and provide the calculations on which they are based. Emission calculations may be done using an agency worksheet if one exists for an emission unit or process.

(8) The calculations required by part 7007.1147, and the total actual emissions per pollutant that result from those calculations. If the stationary source has not been operated or has operated less than 12 months, the owner or operator shall estimate the 12-month sum of actual emissions in performing the calculations required by part 7007.1147.

(9) Identification of the method the source used to comply with part 7007.1148, ambient air quality assessment and a summary of the assessment results.

E. A complete listing of the citations and titles of all applicable requirements to which the permittee is subject. Citations must be to the latest codification of the regulatory requirements at the time of application.

F. The applicant may request the agency to allow in the permit for the stationary source to operate at more than one location during the term of the permit. This option is available only under the conditions in part 7007.1143, subpart 6.

G. A description of the compliance status of the stationary source with respect to all applicable requirements and the requirements of parts 7007.0100 to 7007.1850.

Subp. 3. **Environmental review.** The applicant shall state in the application whether an environmental assessment worksheet or an environmental impact statement is required for the activity for which the permit is sought under *Minnesota Statutes*, chapter 116D, or implementing regulations, or under *United States Code*, title 42, sections 4331 et seq., as amended.

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS.

Subpart 1. **Capped permit compliance requirements.** The owner and operator of the stationary source issued a capped permit must:

A. comply with parts 7007.1140 to 7007.1148;

B. comply with all applicable requirements;

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C. for the 12-month rolling sum of actual emissions from the stationary source determined pursuant to part 7007.1146, not exceed the applicable thresholds in part 7007.1141 for any pollutant;

D. for the sum of actual NO_x emissions from the stationary source in a calendar year determined under this part, not exceed the estimated future annual NO_x emissions in units of tons per year used to comply with part 7007.1148; and

E. if a stationary source qualifies for a capped permit, but has less than 12 months of emissions data, calculate the emission limit each month during normal operation for the first 12 months under capped permit option 1 or 2 on a form provided by the commissioner which uses one of the following formulas:

$$(1) N = 0.95 (\text{annual limit in option 1 or 2}) + 0.0045 (\text{annual limit in option 1 or 2})(n-1)$$

Where: n = number of months in operation;

N = emission limit through month n; or

$$(2) P = L/12$$

Where: L = annual limit in option 1 or 2.

P = emission limit for each month.

The actual emissions for each month must be below the calculated emission limit, N or P, for each pollutant.

Subp. 2. Record keeping requirements. The owner or operator of a stationary source issued a capped permit shall comply with all of the requirements relevant to the stationary source in items A to G. The owner or operator of a stationary source issued a capped permit shall comply with items H and I at all times.

A. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using a material balance that relies on the content of materials in the calculations in part 7007.1147, the owner or operator must:

(1) record, by the last day of each month, the amount of each pollutant-containing material (for example: VOC, particulate matter of solids, or HAP) purchased or used, and the relevant pollutant content for the previous calendar month;

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum solids, VOC, or hazardous air pollutant content, for each pollutant-containing material purchased or used;

(3) if the owner or operator assumes a reduction of emissions in using the materials balance method under part 7007.1147, subpart 5, due to recycling of material off site, keep records of the amount of material shipped off site for recycling and the calculations done to determine the amount to subtract. Acceptable records include the material safety data sheets, invoices, shipping papers, and hazardous waste manifests; and

(4) recalculate and record by the last day of each month the 12-month rolling sum of actual emissions from the pollutant-containing materials purchased or used for the previous 12 months, the date the calculation was made, and the calculation itself.

B. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using the quantity of fuel purchased or used in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month the amount of each fuel purchased or used, whichever was stated in the permit application, for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

C. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using fuel sulfur data in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month the amount of each fuel burned for each batch of fuel for the previous month;

(2) maintain a record of the fuel sulfur content certified by the supplier or independent laboratory for each batch of fuel received; and

(3) recalculate and record by the last day of each month the 12-month rolling sum of SO₂ emissions for the previous 12 months, the date the calculation was made, and the calculation itself using the calculation method in part 7007.1147, subpart 6.

D. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using hours of operation in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month the hours operated for each emissions unit, rounded to the nearest hour for the previous month; and

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(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

E. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using the quantity of material handled or throughput, or product produced in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month, the amount of each material handled or throughput and the amount of each product produced for the previous month; and

(2) recalculate and record by the last day of each month for each material handled or throughput and for each product produced, the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

F. If the stationary source qualified in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using control equipment efficiencies for listed control equipment determined under part 7011.0070, the owner or operator shall comply with parts 7011.0060 to 7011.0080, except that the owner or operator of a hot mix asphalt plant shall comply instead with part 7011.0917. If the calculations required by part 7007.1147 used control equipment efficiencies based on an alternative control efficiency under part 7011.0070, subpart 2, the owner or operator shall also operate within the monitoring and operating parameters of the performance test that established the alternative control efficiency.

G. If a change made at a stationary source issued a capped permit results in the stationary source being subject to a new source performance standard listed under part 7007.1140, subpart 2, item E, or if the change adds an emissions unit subject to the standards listed in part 7007.0300, the owner or operator must submit to the commissioner:

(1) the information required by the standard in the time specified in the standard;

(2) with the notice in subitem (1), a written notice containing a description of the change if the change triggers a new source performance standard; and

(3) with the notice in subitem (1), a copy of the applicable new source performance standard (NSPS), with the applicable portions of the new source performance standard highlighted, including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions, or an NSPS checklist form provided by the commissioner that identifies applicable portions of the new source performance standard.

H. The owner or operator must recalculate and record by the last day of each month, pursuant to part 7007.1147, the 12-month rolling sum of actual emissions from the stationary source for the previous 12 months, the date the calculation was made, and the calculation itself. This calculation must include all emissions units at the stationary source and the information required by part 7007.1147, subpart 2, item C, if continuous emissions monitor (CEM) data is used in the calculation. For capped option 1, this calculation need not include emissions from insignificant activities under part 7007.1300, subpart 2, or insignificant activities under part 7007.1300, subpart 3, for which emission factors do not exist or alternative emissions calculation methods do not exist. For capped option 2, this calculation need not include emissions from insignificant activities under part 7007.1300, subparts 2 and 3, or conditionally insignificant activities described in chapter 7008.

I. The owner or operator of a stationary source with a capped permit must keep daily operating records that would allow the owner or operator to calculate actual emissions of any pollutant for which a threshold has been established under part 7007.1141 for that period of time not previously accounted for in the 12-month rolling sum calculation required under item H. The owner or operator shall provide these records and calculations if requested to do so by the commissioner.

Subp. 3. Prechange analysis. Prior to making a physical or operational change which increases emissions at a stationary source with a capped permit, the owner or operator must:

A. demonstrate that the estimated actual annual emissions at the stationary source using the methods in part 7007.1147 after the change is made are less than the applicable pollutant threshold in part 7007.1141;

B. if the change results in increased SO₂, NO_x, or PM-10 emissions, demonstrate, using a method in part 7007.1148, that ambient air quality standards will continue to be met after the change is made; and

C. keep records of the prechange analyses required under items A and B on site.

The owner or operator may use worksheets provided by the agency for the demonstrations required under items A and B.

Subp. 4. Compliance plan. The owner or operator of a stationary source must develop a written plan containing the following:

A. a list of the state and federal requirements that apply to the stationary source; and

B. a list of the actions, including monitoring, record keeping, and reporting requirements, on a daily, monthly, and yearly basis that the stationary source must do to be in compliance with its capped permit option.

The owner or operator shall complete the compliance plan within 60 days of receiving a capped permit and keep a copy of the current

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compliance plan on site at all times. The owner or operator must update the plan within 15 working days after any change that would alter the elements of the plan as described under items A and B. If requested by the commissioner, the owner or operator shall provide a copy of the current compliance plan to the commissioner.

Subp. 5. Reporting. An owner or operator of a source with a capped permit must submit to the agency the reports described under items A to E. All reports required under a capped permit shall be certified by a responsible official consistent with part 7007.1143, subpart 1.

A. Deviation reporting time frames as described in subitems (1) and (2).

(1) For deviations that endanger human health or the environment, the permittee shall notify the commissioner as required in part 7019.1000, subpart 1. The permittee may assert the affirmative defense of emergency only if it meets all the requirements of part 7007.1850, which includes notifying the agency within two working days of when the emission limitations were exceeded due to the emergency.

(2) For all other deviations, the permittee shall submit a deviation report, on a form approved by the commissioner, at least semi-annually except the deviation report is due only if a deviation occurred in the reporting period. The midyear deviations report, covering deviations which occurred during the period from January 1 to June 30, is due by July 30 of each year and the end-of-year deviations report, covering deviations which occurred during the period from July 1 to December 31, is due by January 30 of each year.

B. An annual compliance certification submitted by January 31 of each year to the agency. The certification shall be on a form approved by the commissioner and shall contain the following:

(1) the facility name and permit number;

(2) identification of the calendar year that the report covers;

(3) identification of deviation reports submitted covering the calendar year including the name of the report, such as DRF-1 or DRF-2; the period covered by the report; and the date of the cover letter accompanying the report;

(4) identification of any noncompliance with applicable requirements or a permit condition that has not been identified in deviation reports submitted to the agency covering the calendar year; and

(5) the signature and title of a responsible official as defined in part 7007.0100, subpart 21.

C. An annual emission inventory to the commissioner under parts 7019.3000 to 7019.3100. For the emissions inventory, the owner or operator shall use the same calculation methods it uses to demonstrate compliance with the thresholds in part 7007.1141.

D. A list of the equipment existing at the facility in a format specified by the commissioner. This list shall be submitted at the end of the previous calendar year with the emissions inventory required under item C.

E. If an owner or operator is allowed to operate in more than one location under part 7007.1143, subpart 6, notification to the commissioner at least 48 hours in advance of each change in location, providing the exact location where the source will operate and a statement that the source complies with part 7007.1148, ambient air quality assessment.

7007.1147 CAPPED PERMIT CALCULATION OF ACTUAL EMISSIONS.

Subpart 1. Methods used. The owner or operator of a stationary source may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part that is based on the calculation methods in subparts 2 to 6 or may use the calculation methods under subparts 2 to 6. The owner or operator must calculate actual emissions for each material or fuel used in each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes. The owner or operator of a stationary source must use the calculation method in subpart 2 if the data described in subpart 2 are available for an emissions unit. The owner or operator must use the calculation method in subpart 3 if the data described in subpart 3 are available, unless data described in subpart 2 are available. The alternative methods described in subparts 4, 5, and 6 may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in subparts 2 to 6 if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive dust emissions from activities listed in part 7007.1300, subpart 3, item J, must be included in the calculations under this subpart only if the stationary source is in a category listed in part 7007.0200, subpart 2, item B, subitems (1) to (27).

Subp. 2. Continuous emission monitor data. If the owner or operator of the stationary source has collected emissions data through

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use of a continuous emission monitor (CEM) in compliance with the preconditions in items A and B, the owner or operator shall use the CEM data to calculate actual emissions, the calculation must be based on all of the CEM data, and the following requirements must be met:

A. the CEM has been certified by the commissioner;

B. the CEM data have not been rejected by the commissioner due to failure by the owner or operator to comply with all requirements of parts 7017.1002 to 7017.1220, parts 7007.1140 to 7007.1148, and any other applicable state or federal laws pertaining to CEM operation;

C. the total operating time of the applicable emissions unit and the total operating time of the CEM for the previous 12 consecutive months must be included in the permit application and in the monthly records required in part 7007.1146, subpart 2, item H; and

D. an explanation of how the emissions were calculated based on the CEM data must be included in the permit application and in the monthly records required in part 7007.1146. Except for facilities subject to part 7017.1020, for periods when the CEM is down and the emissions unit is operating, missing emissions data shall be substituted with CEM data recorded during a representative period of operation of the emissions unit, and, if applicable, of the control equipment operation during the same calendar year for which the inventory is being submitted. The CEM must have recorded data for at least 90 percent of the hours the emission unit was operated for the calendar year for which the inventory is being submitted. If substitute CEM data meeting these conditions is not available, emissions during periods of CEM downtime shall be calculated using performance test data as specified in subpart 3, or 4 if data is not available under subpart 3.

Subp. 3. Performance test data. Emission factors from performance tests may be used for the calculation of actual emissions, provided that the performance tests met all the requirements of parts 7017.2001 to 7017.2060, and all other applicable state rules and federal regulations governing performance tests, except that alternative control efficiencies shall only be developed from performance tests conducted using control equipment listed in part 7011.0070. To use emission factors from performance tests, the owner or operator must conduct the performance test under worst case conditions, as defined in part 7017.2005, subpart 8. The owner or operator of a stationary source that uses an emission factor developed from a performance test shall use the calculation method under subpart 4. Any emission factor for VOC that is derived from a performance test must reflect, to the satisfaction of the commissioner, the actual mass of VOC compounds emitted.

Subp. 4. General calculation method. All calculations of actual emissions required under this part shall be based on the stationary source's operating parameters, and must use the following equation:

E = OP x UEF x 1-CE where:

E = actual emissions in tons per year.

OP = operating parameter as required by the uncontrolled emission factor (hours of operation, fuel purchased or used, quality of material handled or throughput, or product produced).

UEF = uncontrolled emission factor (pounds of pollutant per hour of operation or units produced) as defined in part 7005.0100, subpart 10a, for uncontrolled emissions.

CE = control efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070 for listed control equipment.

Subp. 5. Material balance method. A material balance method may be used to calculate actual emissions. The owner or operator of a stationary source that uses material balance to calculate actual emissions shall determine total actual emissions (E) using the following equation:

E = (a-b-c) x (1-d), where:

a = the amount of the relevant pollutant, such as VOC, particulate matter, or HAP, entering the process. A signed statement from the supplier or the material safety data sheet (MSDS) must be submitted stating the maximum amount of the pollutant in any material that was used in the process. If a material content range is given on the MSDS or by the supplier, the highest number in the range shall be used for this calculation.

b = the amount of the relevant pollutant incorporated permanently into the product. This includes VOCs chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. It also includes any solids transferred to the product during a coating operation. Technical justification for this calculation must also be submitted.

c = the amount of the relevant pollutant, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air and the technical justification for this calculation. If the actual amount of the relevant pollutant in the waste is unknown,

then $c = 0$.

d = the control efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070.

Subp. 6. Fuel sulfur data. The owner or operator of a stationary source may determine sulfur dioxide actual emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be certified by the supplier or an independent laboratory. The sulfur content shall be determined using American Society for Testing and Materials (ASTM) methods. The sulfur dioxide actual emissions shall be determined by using the following equation:

$SO_2 = \%S/100 \times F/2,000 \times 2$, where:

SO_2 = Sulfur dioxide emissions from a batch of fuel in tons.

$\%S$ = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2,000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur in one pound-mole.

The total sulfur dioxide emission for the year must be the sum total of the individual batch totals.

7007.1148 AMBIENT AIR QUALITY ASSESSMENT.

Subpart 1. Methods used. An owner or operator of a stationary source with emissions of SO_2 , PM-10, or NO_x applying for a capped permit or a state permit with EMS provisions, or required to do a prechange analysis for a pollutant under part 7007.1146, subpart 3, must comply with either subpart 2 or 3 for each relevant pollutant (SO_2 , PM-10, and NO_x). A stationary source with less than 12 months of emissions data or performing a prechange analysis under part 7007.1146, subpart 3, shall use estimated actual annual emissions for NO_x . In performing this analysis, the stationary source shall not assume any specific limits or conditions not contained in parts 7007.1140 to 7007.1148. If a stationary source used control equipment efficiencies in parts 7011.0060 to 7011.0080 for calculations in part 7007.1147, then these efficiencies should be included in determining hourly potential emissions under this part. Fugitive dust emissions from unpaved roads and parking lots do not need to be included for either of the methods unless the commissioner determines emissions from those fugitive dust sources may be large enough to significantly impact the assessment. Emission units with an hourly potential emission rate of less than 0.1 pounds per hour of PM-10, NO_x , or SO_2 do not need to be included in either of the methods.

Subp. 2. CAPS electronic spreadsheet method.

A. An owner or operator may use an electronic spreadsheet, called CAPS, provided by the agency to enter emissions data, and (1) stack height and distance to the property line, or (2) dispersion factors for each stack/vent at the stationary source to perform the ambient air quality assessment. The CAPS electronic spreadsheet is incorporated by reference and is available at the Minnesota Pollution Control Agency Internet site www.pca.state.mn.us/air/permits/capped/. It is not subject to frequent change.

B. The owner or operator shall enter into the CAPS spreadsheet the potential emissions of SO_2 and PM-10 in units of pounds per hour for each emissions unit at the stationary source for which calculations were performed under part 7007.1147 unless otherwise allowed by this part. The owner or operator shall enter into the CAPS spreadsheet the estimated future annual NO_x emissions in units of tons per year which were calculated using the methods in part 7007.1147. The one-hour, three-hour, and 24-hour SO_2 ; the 24-hour PM-10; and the annual NO_2 concentrations predicted at and beyond the property line of the stationary source using the spreadsheet must be lower than the corresponding standard in part 7009.0080.

C. The owner or operator must use the default dispersion factors in CAPS or develop dispersion factors using the Minnesota Pollution Control Agency Dispersion Information Screening Procedures for Emission Risk Screening Evaluations (DISPERSE) program or the Environmental Protection Agency SCREEN3 program. DISPERSE or DISPERSE with Emphasis on DISPERSE Look-up Table and DISPERSE Batch Programs, Minnesota Pollution Control Agency (October 21, 2003) is incorporated by reference, is not subject to frequent change, and is available on the Minnesota Pollution Control Agency Internet site www.pca.state.mn.us/air/permits/capped/. SCREEN3 is incorporated by reference in subpart 3.

Subp. 3. SCREEN3 method.

A. An owner or operator may use EPA's SCREEN3 model, or its most recent version, to perform the ambient air quality assessment. The owner or operator shall model potential SO_2 and PM-10 emissions in units of pounds per hour and estimated future annual NO_x emissions in units of tons per year using the most recent version of EPA's screen model.

KEY: Proposed Rules Section - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules Section** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

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B. EPA's screen model is described in SCREEN3 Model User's Guide, EPA-454/B-95-004, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, September 1995, which is incorporated by reference and is not subject to frequent change. This publication and copies of the SCREEN3 model are available from the Pollution Control Agency library through the Minitex interlibrary loan system, through the National Technical Information Service (NTIS), Springfield, VA, 1-800-553-6847, or at the Environmental Protection Agency Internet site www.epa.gov/scram001/tt22.htm#screen3.

C. The owner or operator shall model the potential emissions of SO₂ and PM-10 in units of pounds per hour for each emissions unit at the stationary source for which calculations were performed under part 7007.1147 unless otherwise allowed by this part. The owner or operator shall model the estimated future annual NO_x emissions in units of tons per year which were calculated using the methods in part 7007.1147. The one-hour, three-hour, and 24-hour SO₂; the 24-hour PM-10; and annual NO₂ concentrations predicted at and beyond the property line of the stationary source using SCREEN3 must be lower than the corresponding standard in part 7009.0080.

D. When using SCREEN3 to estimate concentrations for standard averaging times longer than one hour, the owner or operator shall multiply the maximum one-hour concentration predicted by SCREEN3 by the following factors: 0.9 for the three-hour concentration, 0.4 for the 24-hour concentration, and 0.08 for the annual concentration.

The commissioner may request the owner or operator to provide the data used to complete the air quality assessment performed under this subpart or subpart 2. Nothing in this part shall be construed to allow violation of any national or state ambient air quality standards. If the commissioner requests it, the owner or operator must demonstrate compliance with the national or state ambient air quality standards using an alternative method or for other pollutants and averaging times for which standards exist.

7011.0065 APPLICABILITY.

Subpart 1. **Applicability.** The owner or operator of a stationary source shall comply with parts 7011.0060 to 7011.0080 if the owner or operator used the control equipment efficiencies for listed control equipment established pursuant to part 7011.0070 to calculate potential to emit, from emissions units that discharge through the listed control equipment, to:

- A. determine what type of permit is required, pursuant to part 7007.0150, subpart 4, item B;
- B. determine what type of amendment to a part 70 or state permit is required, pursuant to part 7007.1200;
- C. qualify for an insignificant modification under part 7007.1250; ~~or~~
- D. qualify for registration permit option D under part 7007.1130; ~~or~~
- E. qualify for a capped permit under parts 7007.1140 to 7007.1148.

[For text of subp 2, see M.R.]

7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

[For text of subpart 1, see M.R.]

Subp. 2. **Alternative control equipment efficiencies; control efficiencies for hazardous air pollutants.** The owner or operator of a stationary source may use an alternative control equipment efficiency for the control equipment listed in subpart 1, if the actual control efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The owner or operator of a stationary source may use a control equipment efficiency for listed control equipment for a hazardous air pollutant, if the control efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The request for the alternative control efficiency may be made through a permit application for a part 70, state, registration, capped, or general permit, or in a required notice or application submitted under parts 7007.1150 to 7007.1500. The owner or operator of a stationary source must attain at all times the alternative control efficiency for a piece of listed control equipment at the stationary source established under this subpart.

[For text of subps 3 and 4, see M.R.]

7011.0075 LISTED CONTROL EQUIPMENT GENERAL REQUIREMENTS.

Subpart 1. **Operation of control equipment.** The owner or operator of a stationary source shall operate all listed control equipment located at the stationary source whenever operating the emission units controlled by the listed control equipment in compliance with parts 7011.0060 to 7011.0080. Unless specifically allowed by a part 70, state, or general permit, each piece of listed control equipment, with the exception of low-temperature fabric filters (ID #018) using visible emissions as the monitoring parameter under part 7011.0080, shall at all times be operated in the range established by the control equipment manufacturer's specifications for each monitoring parameter listed in part 7011.0080, or within the operating parameters set by the commissioner as the result of the most recent performance test conducted to determine control efficiency under parts 7017.2001 to 7017.2060 if those are more restrictive.

The owner or operator with fabric filters (ID #016, #017, #018) using pressure drop as the monitoring parameter under part 7011.0080 and applying for a registration permit or a capped permit, may request an alternative range to the control equipment manufacturer's

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specifications, if the proposed range is based on two years of compliant monitoring data supplied with the request. The proposed operating range shall be deemed acceptable unless the owner or operator is notified otherwise in writing within 30 days of receipt by the commissioner. The commissioner shall deny a request for an alternative monitoring parameter range if the commissioner finds that:

[For text of items A to C, see M.R.]

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Deviation of listed control equipment from operating specifications.** The owner or operator of a stationary source shall report to the commissioner in accordance with the deadlines in part 7007.0800, subpart 6, item A, subitem (2), any recorded reading outside the specification or range of specification allowed by subpart 1 of any monitored operating parameter required by part 7011.0080, except that owners or operators with a registration permit option D or a capped permit to which parts 7011.0060 to 7011.0080 apply shall make this report only if a deviation occurred in the reporting period. Owners or operators of low-temperature fabric control equipment (ID #018) using visible emissions as the monitoring parameter under part 7011.0080 shall report any visible emissions observed from the control equipment as a deviation.

[For text of subps 6 and 7, see M.R.]

7011.0917 ASPHALT PLANT CONTROL EQUIPMENT REQUIREMENTS.

Subpart 1. **Operation of asphalt plant control equipment.** The owner or operator of a hot mix asphalt plant shall operate in compliance with this part all asphalt plant control equipment located at the stationary source whenever operating the emission units controlled by the asphalt plant control equipment. Unless specifically allowed by a part 70, state, or general permit, each piece of asphalt plant control equipment shall at all times be operated such that the monitoring parameters listed in subpart 7 are in the range established by the control equipment manufacturer's specifications, or within the operating parameters established by the commissioner as the result of the most recent performance test conducted under parts 7017.2001 to 7017.2060, if those are more restrictive.

The owner or operator applying for a registration permit or capped permit may request an alternative range to the control equipment manufacturer's specifications, if the proposed range is based on two previous years of compliant monitoring data supplied with the request. For hot mix asphalt plants applying for a registration permit in operation on April 22, 1996, this request shall be made by the application deadline listed in part 7007.0350, subpart 1, item A. The proposed operating range shall be deemed acceptable unless notified otherwise in writing within 30 days of receipt by the commissioner. The commissioner shall deny a request for an alternative monitoring parameter range if the commissioner finds that:

[For text of items A to C, see M.R.]

[For text of subps 2 to 5, see M.R.]

Subp. 6. **Deviation of asphalt plant control equipment from operating specifications.** Unless otherwise specified in a part 70, state, or general permit, the owner or operator of a stationary source shall report to the commissioner any recorded reading outside of the specification or range of specifications allowed by subpart 1 from any monitored operating parameter required by subpart 7, in accordance with the deadlines in part 7007.0800, subpart 6, item A, subitem (2), except that owners and operators with a registration permit option D or capped permit shall make this report only if a deviation occurred in the reporting period.

[For text of subp 7, see M.R.]

7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

A. Emissions from all emissions units shall be reported in the annual emissions inventory report in a format specified by the commissioner. Emissions from insignificant activities listed in part 7007.1300, subpart 2, shall not be reported. Emissions from insignificant activities listed in part 7007.1300, subparts 3 and 4, shall be reported if the commissioner or owner or operator has determined that emissions from those activities are not insignificant for purposes of permitting under parts 7007.0100 to 7007.1850 or for those activities required to be quantified by a facility issued a capped permit option 1. Notwithstanding the previous sentence, the commissioner may request an inventory of fugitive emissions from roads and parking lots, defined as insignificant under part 7007.1300, subpart 3, item J, upon determining that emissions from these sources represent a substantial portion of the facility's total emissions.

B. All owners or operators of emission reporting facilities, as defined in part 7002.0015, subpart 3a, or facilities issued option B registration permits under part 7007.1120 that choose to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), shall

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calculate emissions based on parts 7019.3030 to 7019.3100, except for any facility which has obtained an option C or D registration permit under part 7007.1125 or 7007.1130 or a capped permit under parts 7007.1140 to 7007.1148.

[For text of items C and D, see M.R.]

E. All owners or operators of emission reporting facilities which have obtained an air emission permit under parts 7007.1140 to 7007.1148, capped permit, shall report the actual emissions calculated for purposes of compliance demonstration required in part 7007.1146, subpart 2, item H, for the calendar year for which emissions are being reported for all emission units in a format specified by the commissioner.

E. All owners or operators of an emission reporting facility submitting an emission inventory based in whole, or in part, on a material balance calculation shall submit a sample material balance calculation with the emission inventory. Such facilities shall also maintain a record of the material safety data sheets or vendor certification of the VOC or sulfur content of the material for each material or fuel used and the material balance calculations for a period of five years after the date of submittal of the emission inventory.

F. G. The emission inventory may be based on the use of control equipment only if the use of the specific control equipment is required under conditions of a permit or applicable requirement as defined in part 7007.0100, subpart 7, or is included in a notification received by the agency under part 7007.1150, item C. This item ~~is effective on~~ applies upon issuance under chapter 7007 of a registration, state, capped, general, or part 70 permit to a stationary source but no earlier than the date three years after EPA grants full program approval of the agency's permit program under title 5 of the Clean Air Act.

7019.3030 METHOD OF CALCULATION.

A. The owner or operator of an emission reporting facility, except one issued an option C or D registration permit under part 7007.1125 or 7007.1130 or a capped permit under parts 7007.1140 to 7007.1148, shall calculate the facility's actual emissions using the methods listed in subitems (1) to (4). The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall be used. Where more than one method is listed in the subitem, they are considered to be equal in the hierarchy and any can be used.

[For text of subitems (1) to (4), see M.R.]

[For text of items B and C, see]

INCORPORATIONS BY REFERENCE:

Part 7007.1102: The ISO documents are published by the International Organization for Standardization (ISO), Geneva, Switzerland. The documents are available at the American National Standards Institute (ANSI), New York, New York 10036 (www.anso.org), or through the Minitex interlibrary loan system.

ISO 14001: Environmental management systems - Specification with guidance for use, ISO, 1996.

ISO 19011: Guidelines for quality and/or environmental management systems auditing, ISO, 2002.

ISO/International Electrotechnical Commission (IEC) Guide 66: General requirements for bodies operating assessment and certification/registration of environmental management systems, ISO, 1999.

Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), 1996. This publication is available through IAF (www.iaf.nu).

National Accreditation Program Advisories, Registrar Accreditation Board (RAB). These publications are available through RAB, P.O. Box 3005, Milwaukee, Wisconsin 53201-3005 (www.rabnet.com).

Part 7007.1148: The CAPS electronic spreadsheet is available at the Minnesota Pollution Control Agency Internet site www.pca.state.mn.us/air/permits/capped/.

Minnesota Pollution Control Agency Dispersion Information Screening Procedures for Emission Risk Screening Evaluations (DISPERSE) program or the Environmental Protection Agency SCREEN3 program. DISPERSE or DISPERSE with Emphasis on DISPERSE Look-up Table and DISPERSE Batch Programs, Minnesota Pollution Control Agency (October 21, 2003), is available on the Minnesota www.pca.state.mn.us/air/permits/capped/.

SCREEN3 Model User's Guide, EPA-454/B-95-004, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, September 1995. This publication and copies of the SCREEN3 model are available from the Pollution Control Agency library through the Minitex interlibrary loan system, through the National Technical Information Service (NTIS), Springfield, VA, 1-800-553-6847, or at the Environmental Protection Agency Internet site www.epa.gov/scram001/tt22.htm#screen3. The references in this part are not subject to frequent change.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 9:30 a.m. on Thursday, July 15, 2004, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so request by the appellant(s), pursuant to Minnesota Statutes 62E.10, subd. 4.

For additional information, please call Lynn Gruber at (952) 593-9609.

Department of Employment and Economic Development Job Opportunity Building Zones (JOBZ) Modifications

Pursuant to *Minnesota Statutes* § 469.320, Subd. 3, the following modifications were made to the Job Opportunity Building Zones:

Positively Southern MN JOBZ Growth Corridor -

Winnebago Subzone 163 was reduced by 5.15 acres
Winnebago Subzone 163.1 was created using 5.15 acres
Fairmont Subzone 92 was reduced by 3.09 acres
Fairmont Subzone 92.1 was created using 3.09 acres
Brownsdale Subzone 198 was reduced by 4.62 acres
Brownsdale Subzone 198.1 was created using 4.62 acres
St. James Subzone 73 was reduced by 0.9 acres
St. James Subzone 73.1 was created using 0.9 acres
St. Cloud Subzone 137 was reduced by 2.48 acres
St. Cloud Subzone 131 was reinstated at 0.48 acres
St. Cloud Subzone 137.1 was created using 2.0 acres

Region 5 JOBZone -

West Central JOBZone -

Fergus Falls Subzone 54 was reduced by 1.03 acres
Fergus Falls Subzone 54.2 was created using 1.03 acres
Detroit Lakes Subzone 9 was reduced by 6 acres
Detroit Lakes Subzone 1 was increased by 6 acres

Southern Minnesota Alliance JOBZone -

Montgomery Subzone 55 was reduced by 5 acres
Winona Subzone 89 was created using 5 acres
Luverne Subzone 120 was reduced by 10.79 acres
Winsted Subzone 172.1 was created using 10.79 acres
Chandler Subzone 116 was reduced by 4 acres
Lake Wilson Subzone 116.1 was created using 4 acres

Southwest Zone -

Upper Valley Zone -

Madison Subzone 44 was reduced by 1.2 acres
Madison Subzone 45.1 was created using 1.2 acres

June 18, 2004

Commissioner Matt Kram

Department of Human Services

Request for Public Input on State Plan to Expand Community-Based System for Providing Mental Health Services for Adults with Serious Mental Illness and Children with Serious Emotional Disturbances

The Minnesota Department of Human Services is seeking public comment into the development and implementation of the State plan to expand the community-based system for providing mental health services for adults with serious mental illness and children with serious emotional disturbances in years 2005 to 2007.

As an ongoing process, the federal Secretary of the Department of Health and Human Services, through the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, awards Block Grants to States to establish or expand this community-based system. Minnesota is required to submit a grant application that includes the State plan. The annual federal grant is currently about \$6 million.

The key goals of the plan and the grant funding are:

- Access to a comprehensive system of care, including employment, housing, case management, rehabilitation, dental and health services, along with mental health services and supports;
- Participation of consumers/survivors and their families in planning and evaluation of state systems;
- Access for underserved populations, including homeless people and rural populations;
- Promoting recovery and community integration of people with psychiatric disabilities; and,
- Accountability through uniform reporting on access, quality, and outcomes of services.

The 2003 Final Report of the President's New Freedom Commission on Mental Health entitled "Achieving the Promise: Transforming Mental Health Care in America" recommends six broad goals for a transformed public mental health system that would promote recovery from mental illness:

1. Americans understand that mental health is essential to overall health;
2. Mental health care is consumer and family-driven;
3. Disparities in mental health services are eliminated;
4. Early mental health screening, assessment and referral are common practice;
5. Excellent mental health care is delivered and research is accelerated; and,
6. Technology is used to access mental health care and information.

Minnesota is preparing the plan for Federal Fiscal Years 2005 to 2007. The plan has two parts: the application and the implementation report. The application includes:

- an overview of Minnesota's mental health system,
- identified areas where particular attention is needed,
- significant achievements in previous year,
- new developments and issues,
- legislative initiatives and changes,
- description of regional and county programs,
- strengths and weaknesses of the service system,
- unmet service needs and critical gaps in the current system,
- state priorities and plans to address unmet needs,
- goals and measurable targets the state plans to achieve annually, and
- the proposed use of the federal block grant funds for the upcoming year.

The implementation report (which is completed later in the year):

- reports on the state's progress in meeting the goals and targets in the previous year's plan,
- provides mental health data and information on a common national data collection system, and
- reports how the state uses the grant funds.

Public input is sought into the development of the plan. Initial input must be submitted no later than close of business on August 19, 2004 for consideration for inclusion in the 2005 plan. Ongoing input is encouraged and will be considered beyond August 19, 2004. The plan is updated on an annual basis. The completed 2005 to 2007 plan will be available on the DHS Mental Health Division Website: http://www.dhs.state.mn.us/main/groups/disabilities/documents/pub/DHS_id_000085.hcsp_after October 1, 2004.

The Implementation Report will be on the website after January 15, 2005.

Please provide written input to Richard Seurer at Mental Health Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3828 (Richard.Seurer@state.mn.us).

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Department of Education

Special Education Policy

Notice of Availability of Grant Funds for Low Incidence Disabilities

The Minnesota Department of Education, Special Education Policy Section, is making available grant funds to Provide Services to School District Staff and Others Working with Students with Low Incidence Disabilities. It is anticipated that a total of one (1) grant contract will be awarded for the period of September 15, 2004 through September 30, 2005 for a total of \$690,627 to provide these services. Of this amount \$642,327 is available from Part B 611 IDEA funds and \$48,300 is available from Part B 619 IDEA funds. Separate annual grant contracts may be awarded, at the discretion of the Department, for up to a total of five years based upon satisfactory grantee performance and the availability of funds for this purpose.

Funding for this project is made available through the federal grant award Special Education - Grant to States, Part B 611 IDEA CFDA 84.027A and Part B 619 CFDA 84.173A.

This request for proposals does not obligate the state to award a grant contract. The state reserves the right to cancel this request for proposals if it is considered to be in the state's best interest or if funding is terminated from the Minnesota Legislature or Federal Office of Special Education.

NOTE that the deadline for submission of applications for this competitive grant award is Wednesday, July 28, 2004, 3:00 p.m.

To access a copy of the complete grant application go to http://education.state.mn.us/html/intro_support_special_ed.htm or contact Michelle Weber (651) 582-8880 or Mweber@mail.children.state.mn.us.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration Real Estate Management Division Proposal Request for Leasing

NOTICE IS HEREBY GIVEN that the State of Minnesota, Department of Administration, on behalf of the Department of Human Services (DHS), requests proposals for leasing existing or newly constructed facilities to operate 16-bed In-Patient Community-Based Units (ICBU's) for mental health treatment programs to be operated by State Operated Services. The ICBU's will be operated in various locations throughout the state of Minnesota. Interested parties may submit proposals for one, or any combination of the sites, including all sites. DHS is considering locating ICBU's in the following communities in accordance with specific site criteria outlined in the information package prepared for this project:

- 1 Unit in Alexander, Minnesota
- 2 Units in Brainerd/Baxter, Minnesota
- 1 Unit in Bemidji, Minnesota
- 1 Unit in Wadena, Minnesota
- 1 Unit in Monticello, Minnesota

To request the specifications/requirements necessary to prepare a proposal contact:

Department of Administration
Real Estate Management Division
309 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone: (651) 296-6674

Minnesota Higher Education Services Office [MHESO] Notice of Request for Proposals: Curriculum Guidebooks: Get Ready/GEARUP Program

The Minnesota Higher Education Services is requesting proposals from qualified professionals to develop two types of curriculum guidebooks to accompany its Get Ready/GEARUP curriculum. One guidebook is to be developed primarily for use by parents of Get Ready/GEARUP students. The other guidebook is for use by parents or other others working with middle school youth.

Proposals must be submitted **no later than August 3, 2004**.

The Request for Proposals (RFP) does not obligate the Minnesota Higher Education Services Office to complete this project, and the MHESO reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal should not exceed \$25,000 in total.

Copies of the complete RFP are available from:

Mary Lou Dresbach
Director of Community Outreach, Human Resources and Agency Services
Minnesota Higher Education Services Office
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227
(651) 642-0530
dresbach@heso.state.mn.us

Department of Transportation**Engineering Services Division****Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the “Consultant Pre-Qualification Program”)**

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT’s web site at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE:

APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation**Engineering Services Division****Notice Concerning Professional/Technical Contract Opportunities**

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT’s Consultant Services website at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

City of St. Joseph, MN

Request for Proposals (RFP) for Transportation Consulting Services Field Street Corridor Study

SP 233-108-01, Federal Project STPX7306-037

The City of St. Joseph MN is requesting proposals for transportation consulting services to complete an alternative scoping process, state/federal environmental review, and official mapping for the proposed Field Street new alignment roadway. The proposed corridor is approximately 2 miles long. The scope of work includes: evaluation of a no-build alternative and up to 3 build alignment alternatives; preliminary geometric layouts and cost estimates for each build alternative; evaluation of social, economic, and environmental impacts; preparation of an official map; preparation of an Environmental Assessment Worksheet for the recommended alternative; and conducting a public hearing on the document.

The anticipated solicitation schedule is as follows:

<i>Issue Request for Proposals</i>	July 12, 2004
<i>Receive Proposals</i>	12:00 PM on Friday, August 6, 2004
<i>Selection of Consultant</i>	August 19, 2004
<i>Award of contract</i>	September, 2004
<i>Period of Performance</i>	September, 2004 – March 2005

All firms interested in receiving an RFP package are invited to submit a written request to:

Ms. Judy Weyrens
City Administrator/Contract Administrator
City of St. Joseph
25 College Avenue North
St. Joseph, MN 56374-0668
Phone: (320) 363-7201
Fax: (320) 363-0342
Email: jweyrens@cityofstjoseph.com

Note: This RFP is **NOT** available in electronic form.

Metropolitan Airports Commission

Public Notice for Qualifications Statements for Legal Services:

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from firms or persons interested in representing MAC as federal aviation outside counsel as set forth in the Request for Qualifications, which is available for review at the Commission's General Office.

To request a copy of the "Request for Qualifications for Legal Services" which outlines the selection process, contact the Legal Department of the MAC at (612) 794-4466. The qualifications statements are due on or before August 16, 2004.

Metropolitan Council

Notice of Request for Proposals (RFP) for Computer Hardware Maintenance Services Contract Number 03P126

The Metropolitan Council is requesting proposals for standard warranty and non-warranty maintenance and value-added services for Council-owned desktop computer systems and printers for a period of three years.

Non-State Contracts and Grants

The anticipated schedule for this procurement is:

Issue Request for Proposals
Proposals Due
Award Contract

July 12, 2004
August 10, 2004
September 2004

All firms interested in receiving an RFP package are invited to submit an e-mail or written request to:

Harriet Simmons, Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1086
FAX: (651) 602-1083
E-mail: harriet.simmons@metc.state.mn.us

NOTE: The RFP is **NOT** available in electronic form.

Metropolitan Council - Metro Transit Maintenance of Metro Transit Facilities Along I-394 Procurement No. 6694

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for maintenance services at transit centers and park and ride lots at seven locations along I-394. This work involves regular maintenance of restrooms, passenger waiting shelters, transit centers, and grounds keeping.

Sealed Bids are due by 2:00 p.m. on July 29, 2004. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 North Cleveland Avenue
St. Paul, Minnesota 55114
(612) 349-5070

Minnehaha Creek Watershed District Request for Bids for the Vegetation Management Project

The MCWD Board of Managers is currently accepting bids for the Vegetation Management project. The project involves re-establishment of natural riparian vegetation, control of invasive and exotic species, and implementation of a five-year maintenance plan. The riparian areas are adjacent to regional stormwater ponds in four locations: Long Lake, St. Louis Park and two in Minneapolis. Bids will be accepted until 12:00 PM on July 16, 2004. Bid opening will commence immediately thereafter at the MCWD offices located at 18202 Minnetonka Boulevard, Deephaven, MN 55391. Interested parties should request bid specifications from MCWD and submit sealed bids with a bid bond to the MCWD offices by the required deadline. Bid submittals must be labeled "MCWD VEGETATION BID PACKAGE" legibly in large, noticeable print on the outside of the submittal package.

A mandatory pre-bid meeting will be scheduled. **Unlabeled submittals will not be accepted.** If you have any questions, please contact the MCWD District Office at (952) 471-0590.

University of Minnesota Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

